IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SHEET METAL WORKERS' LOCAL 19, : CIVIL ACTION

SHEET METAL WORKERS' HEALTH & WELFARE FUND OF LOCAL NO. 19,

SHEET METAL WORKERS' PENSION : FUND OF LOCAL NO. 19, SHEET METAL : WORKERS' ANNUITY FUND OF LOCAL :

19, SHEET METAL WORKERS'

VACATION FUND OF LOCAL NO. 19,

SHEET METAL WORKERS'

SUPPLEMENTAL UNEMPLOYMENT BENEFIT (S.U.B.) FUND OF LOCAL NO. 19, SHEET METAL WORKERS

JOINT APPRENTICESHIP FUND OF PHILADELPHIA AND VICINITY,

INDUSTRY FUND OF THE SHEET METAL:
CONTRACTORS ASSOCIATION OF:
PHILADELPHIA AND VICINITY, SHEET:
METAL WORKERS' INTERNATIONAL:
TRAINING INSTITUTE (ITI) and:

GARY MASINO, Trustee

v.

:

M.J. BINDER COMPANY, LLC, d/b/a : M.J. Binder and.or BMC Industrial. :

LLC and MICHAEL J. BINDER : NO. 18-5511

ORDER

NOW, this 27th day of October, 2020, upon consideration of the Motion to Enforce Judgment for a Specific Act and Civil Contempt Pursuant to Fed. R. Civ. P. 70 (Document No. 16), the defendants' response, and the plaintiffs' reply, it is **ORDERED** that the motion is **GRANTED IN PART** and **DENIED IN PART**.

IT IS FURTHER ORDERED as follows:

- 1. To the extent the motion seeks an Order requiring the defendant to submit to an audit and accounting of its books to determine contributions due, it is **GRANTED**.
- 2. To the extent the motion seeks an Order finding the defendants in civil contempt, it is **DENIED**.

3. No later than **November 10, 2020**, the plaintiffs shall file a statement identifying each category of documents it seeks with an explanation of why each category is necessary to conduct the audit.

4. No later than **November 24, 2020**, the defendant shall file its objections, if any, to any category of records sought by the plaintiffs, and explain why each is not necessary.

/s/TIMOTHY J. SAVAGE